

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
CIVIL MINUTES—  
GENERAL

Case No. 5:23-cv-00053-SSS-SPx

Date May 9, 2023

Title *Trustees of the Operating Engineers Pension Trust, et al. v. Kincaid Industries, Inc.*

Present: The Honorable SUNSHINE S. SYKES, UNITED STATES DISTRICT JUDGE

Irene Vazquez

Not Reported

Deputy Clerk

Court Reporter

Attorney(s) Present for Plaintiff(s):

Attorney(s) Present for Defendant(s):

None Present

None Present

**Proceedings: (IN CHAMBERS) Order to Show Cause re Dismissal for  
Lack of Prosecution**

Generally, each Defendant must answer or otherwise respond to the complaint within 21 days after service (60 days if the Defendant is the United States). Fed. R. Civ. Proc. 12(a)(1).

In the present case, it appears that Plaintiff served the summons and complaint on one or more Defendants, but such Defendant(s) did not file an answer or otherwise respond to the complaint. Consequently, on March 27, 2023, Plaintiff requested the entry of default with respect to the applicable Defendant(s) [Dkt. 12], and the Clerk entered default on March 28, 2023 [Dkt. 13].  
Fed. R. Civ. Proc. 55(a).

The defaulted Defendant(s) have not moved to set aside the default nor otherwise responded in this action. However, Plaintiff has not moved for the entry of default judgment. Accordingly, the Court, on its own motion, hereby orders Plaintiff to show cause in writing on or before **May 23, 2023**, why this action should not be dismissed, with respect to each defaulted Defendant. Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the Court finds that this matter is appropriate for submission without oral argument. This Order to Show Cause will be discharged if Plaintiff files, before the deadline set forth above, a motion for the

entry of default judgment with respect to the applicable Defendant(s).  
Fed. R. Civ. Proc. 55(b).

**IT IS SO ORDERED.**